HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri S.R. Nayak

Writ Petition No. 5938 of 2005

PETITIONERS

1. Nayapara Prathmik Sahkari Upbhokta Bhandar Maryadit, Nayapara (A cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam, 1960) (17 of 1961) President Sheikh Iliasuddin aged about 42 years S/o Shri Sheikh Mumtajinuddin R/o Nayapara Tehsil & District Raipur (C.G.)

2. Adarsh Uphar Prathmik Sahkari Upbhokta Bhandar Maryadit, Gol Bazar, Raipur (A cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam, 1960) (17 of 1961) President Sundar Lal Sahu aged about 42 years, S/o Late Shri Kunjilal Sahu, R/o Gole Bazar, Raipur, Tehsil & District Raipur (C.G.)

3. Saral Prathmik Sahkari Upbhokta Bhandar Maryadit, Shukrawari Bazar, Raipur (A cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam, 1960) (17 of 1961) President Bhagwati Prasad Sahu aged about 40 years S/o Shri Raghunath Das Sahu, R/o Shukrawari Bazar, Raipur, Tehsil & District Raipur (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh,
Through the Secretary, Department of Food, Civil Supplies & Consumer Protection, Mantralaya, Dau Kalyan Singh, Bhawan, Raipur (Chhattisgarh)

2. Collector, Raipur (Chhattisgarh)

3. Food Controller (Food Officer), Office of the Collector Raipur (Chhattisgarh)

Present : Mr. Rahul Jha, learned counsel for the petitioners.

ORAL ORDER

(Passed on 13th December 2005)

The common grievance of the petitioner-societies is that the second respondent /Collector has allotted certain number of cards earlier allotted to the petitioner-societies to some other agencies. It is contended by learned counsel for the petitioners that the impugned action of the District Collector was not preceded by any notice to the petitioners and, therefore, the impugned action could not be sustained in law. It is often said and reiterated by the courts that it is the power of public authorities like the District Collector to streamline the distribution of essential commodities to those for whom it is intended, keeping in mind the public interest as well as the interest of the consumers and in that process, it becomes the part of the power of District Collector to allocate or re-allocate the cards to various societies. It is not the vested right of a particular society to insist that once certain cards are allotted, those cards should be allowed to remain with it for all the times to come at the peril or in convenience of the consumers for whom essential commodities are meant. By allotting certain cards to other agencies, which were earlier allotted to the petitioners-societies, none of the legal rights of the petitioners has been violated or impaired nor the impugned action of the District Collector could be condemned as arbitrary, unreasonableness or being violative of Article 14 postulates. The writ petition is devoid of merit and it is accordingly dismissed. There shall be no order as to costs.

Sd/-
Chief Justice

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